

## Who are involved in the work of the National Preventive Mechanism?

- The staff members of the department established at the Office of the Commissioner for Fundamental Rights;
- and occasionally, external experts such as medical doctors, nutritionists, acknowledged and experienced experts in the specific fields, to ensure more efficient prevention.

## Prohibition of sanctions

The person or organisation that has communicated information to the NPM, be they truthful or false, cannot be sanctioned against.

## Results of the NPM inquiry

The NPM prepares a report on the visit, in which it summarises its findings related to the circumstances and the treatment of the detainees. For the elimination of the exposed improprieties, the NPM formulates recommendations to the management of the visited place of detention or the organ that they report to. The NPM is entitled to make recommendations for legislation or the amendment of laws.

## Who else can you ask for help?

You can submit a petition or complaint to any state organ exercising executive power, or to the international bodies authorised to inquire into individual complaints.



THE COMMISSIONER FOR FUNDAMENTAL  
RIGHTS OF HUNGARY

THE NATIONAL HUMAN RIGHTS INSTITUTION  
OF THE UNITED NATIONS

### Contact details

E-mail: [opcat@ajbh.hu](mailto:opcat@ajbh.hu)

### Postal address:

Alapvető Jogok Biztosának Hivatala - OPCAT  
Nemzeti Megelőző Mechanizmus Főosztály

1387 Budapest, Pf. 40

Phone: (06-1) 475-7100

Fax: (06-1) 269-1615

### Business hours of the Complaints' Office:

- **Monday:** 8:00 a.m. – 16:00 p.m. and in the case of an appointment, 16:00 p.m. – 18:00 p.m.
- **Tuesday – Thursday:** 8:00 a.m. – 16:00 p.m.
- **Friday:** 8:00 a.m. – 12:00 p.m.

**Address:** 1055 Budapest, Falk Miksa utca 9-11.

If you would like to come to the Complaints Office in person, please, indicate this in your petition, or make an appointment on the phone.

For more information, visit:  
[www.ajbh.hu](http://www.ajbh.hu)



## OPCAT NATIONAL PREVENTIVE MECHANISM

against torture  
and other cruel, inhuman  
or degrading treatment



## What is the National Preventive Mechanism (NPM)?

Act CXLIII of 2011 on the Promulgation of the UN Optional Protocol to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT) was adopted by the Hungarian National Assembly on 24 October 2011.

Pursuant to this Act, the NPM is an independent monitoring body, which conducts on-site inspections at places of detention.

Since 1 January 2015, the tasks of the NPM have been performed by the Commissioner for Fundamental Rights (the Ombudsman) and his or her staff members pursuant to Act CXI of 2011.

## The tasks of the National Preventive Mechanism are as follows:

- preventive visits of places of detention, conducting interviews with the detainees and patients, studying of documentation,
- giving feedback,
- holding consultation meetings with the authorities,
- issuing of reports,
- formulating recommendations.

## What is torture?

Causing physical and/or psychological pain for punishment or extorting testimony. It qualifies as torture when a public official or a person acting in his official competence takes active part in such activity, encourages others to do so, or is aware of such activity (e.g. disregarding aggression between detainees).

## What is cruel, inhuman or degrading treatment?

The person who applies such treatment usually increases their own power by means of intimidation, they offend or humiliate the detainees, and abuse them physically or psychologically. The following treatments may qualify as inhuman: e.g. inappropriate or neglected condition of the premises for detention or for the enforcement of the punishment of deprivation of liberty, including toilets, overcrowdedness, inadequate catering, lack of medical care and the prevention of the detainees' contact with their close relatives (e.g. they are not allowed to communicate with their family members or children in the visiting room, their mobile phone calls are limited / "security deposits" on mobile phone calls, or the detainees are placed at a place far away from their respective places of residence, the lack of ensuring short-term leaves or absences) if all these violate human dignity.

## What can be regarded as a place of detention?

In addition to penitentiary and police institutions, all places where residents, patients, or detainees reside on the basis of instructions or orders of authorities, i.e. according to such decision, those who live there cannot leave the institution of their own free will at any time, and they are returned in the case of unauthorised absence. Such places include, among others, police custody units, police lock-up facilities, penitentiary institutions, psychiatric hospitals, certain social care institutions, some children's homes, reformatories, residential care homes, certain refugee centres.



## What is the purpose of the inquiries?

The NPM is responsible for preventing torture and other cruel, inhuman or degrading treatment or punishment (all this jointly referred to as: "ill-treatment") at places of detention, as part of which we check the conditions in which the detainees live, and whether their fundamental rights are enforced. It is our long-term goal to eradicate ill-treatment and to remedy improprieties; to protect persons deprived of their liberty, as well as to prevent torture, ill-treatment or any other punishment.

## The operation of the NPM

Based on the Protocol, the NPM is entitled to:

- visit places of detention,
- enter the premises and facilities of places of detention,
- interview freely selected persons (both detainees and staff members),
- have unlimited access to detention-related documents and to review and copy them.

The management of the place of detention should ensure that the NPM interview the detainees confidentially, without the presence of witnesses.

Sensitive information is treated confidentially by the NPM, it may not disclose any personal data without the express consent of the person concerned.

It should be stressed that the NPM **does not act on the basis of individual complaints** but ex officio. The Commissioner for Fundamental Rights investigates the complaints in his or her general competence, the ongoing criminal procedures, such as investigations, public prosecutor's or court proceedings are independent from us. At the same time, the NPM takes the signals received by the Ombudsman into account in selecting the places to visit.

## Are the dates of the visits announced in advance?

No, the National Preventive Mechanism does not announce the dates of the visits in advance.